

4074. Adulteration of milk. U. S. v. E. J. Green. Plea of nolo contendere. Information dismissed. (F. & D. No. 5759. I. S. No. 12937-e.)

On July 30, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. J. Green, Austinburg, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 30, 1913, from the State of Ohio into the State of Pennsylvania, of a quantity of milk which was adulterated.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Milk solids (per cent).....	8.77
Fat (per cent).....	1.80
Solids not fat (per cent).....	6.97
Ash (per cent).....	0.58
Specific gravity, at 60° F.....	1.0263
Refraction of serum, at 20° C.....	35.4
Nitrate test: Positive.	

The results show the sample to contain added water.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, was mixed with the article so as to lower and reduce and injuriously affect its quality, and, further, for the reason that a valuable constituent of the article, to wit, fat, had been wholly or in part abstracted.

On February 25, 1915, the defendant entered a plea of nolo contendere to the information, and the court ordered the same dismissed upon the ground that investigation showed that the water had been added to the milk by a boy employed without the knowledge or consent of the defendant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1915.